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## NOTICE OF ALLOWANCE AND FEE(S) DUE

24114 7590 09/23/2008

LyondellBasell Industries  
3801 WEST CHESTER PIKE  
NEWTOWN SQUARE, PA 19073

EXAMINER	
CHOI, LING SIU	
ART UNIT	PAPER NUMBER
1796	

DATE MAILED: 09/23/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,985	06/07/2006	Yoshikuni Okumura	LU 6145 (US)	7230

TITLE OF INVENTION: ORGANOMETALLIC TRANSITION METAL COMPOUND, BISCYCLOPENTADIENYL LIGAND SYSTEM, CATALYST SYSTEM AND PREPARATION OF POLYOLEFINS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/23/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24114 7590 09/23/2008

**LyondellBasell Industries**  
**3801 WEST CHESTER PIKE**  
**NEWTOWN SQUARE, PA 19073**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the **Mail Stop ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,985	06/07/2006	Yoshikuni Okumura	LU 6145 (US)	7230

**TITLE OF INVENTION:** ORGANOMETALLIC TRANSITION METAL COMPOUND, BISCYCLOPENTADIENYL LIGAND SYSTEM, CATALYST SYSTEM AND PREPARATION OF POLYOLEFINS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/23/2008
EXAMINER	ART UNIT	CLASS-SUBCLASS				
CHOI, LING SIU	1796	526-160000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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LyondellBasell Industries 3801 WEST CHESTER PIKE NEWTOWN SQUARE, PA 19073				CHOI, LING SIU		
		ART UNIT		PAPER NUMBER		
				1796		
DATE MAILED: 09/23/2008						

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 208 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 208 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/581,985	OKUMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ling-Siu Choi	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 06/06/2008.
2.  The allowed claim(s) is/are 12-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is also in response to the Amendment filed 06/06/2008. Claims 1-11 were canceled and claims 12-20 have been added, wherein Claims **12-15** are drawn to an organometallic transition metal compound; Claim **16** is drawn to a biscyclopentadienyl ligand system; claims **17-18** are drawn to a catalyst system for olefin polymerization; Claim **19** is drawn to a polymerization process; Claim **20** is drawn to process to prepare an organometallic transition metal compound.

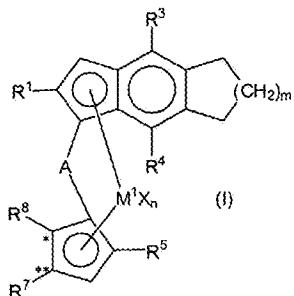
### ***Allowable Subject Matter***

2. Claims 12-20 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Rieger (US, 6,576,726 B1), Chen et al. (US 6,084,115), Hashimoto et al. (US 6,156,844), and Okada et al. (US 6,194,501 B1).

Summary of Claim 12:

An organometallic transition metal compound of the formula (I):



M<sup>1</sup> = an element of group 3, 4, 5 or 6 of the Periodic Table of the Elements or the lanthanides;

the radicals X are identical or different and are each an organic or inorganic radical, with two radicals X also being able to be joined to one another;

m = 1 or 2;

n = a natural number from 1 to 4;

R<sup>1</sup> = hydrogen or an organic radical having from 1 to 40 carbon atoms;

**R<sup>3</sup>** = a substituted or unsubstituted C<sub>6</sub>-C<sub>40</sub> aryl radical;

R<sup>4</sup> = hydrogen, halogen or an organic radical having C<sub>1-40</sub>;

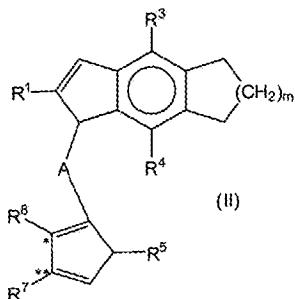
**R<sup>5</sup>** = an organic radical which has C<sub>3-20</sub> and is branched in the  $\alpha$  position;

R<sup>7</sup>, R<sup>8</sup> (independently) = hydrogen or an organic radical having C<sub>1-40</sub> or R<sup>7</sup> and R<sup>8</sup> together with the atoms connecting them form a monocyclic or polycyclic, substituted or unsubstituted ring system which has from 1 to 40 carbon atoms and optionally contains heteroatoms selected from the group consisting of the elements Si, Ge, N, P, O, S, Se, and Te; and

A = a bridge consisting of a divalent atom or a divalent group.

Summary of Claim 16:

A biscyclopentadienyl ligand system of the formula (II):



or its double isomers,

$m = 1$  or  $2$ ;

$R^1$  = hydrogen or an organic radical having  $C_{1-40}$ ;

$R^3$  = a substituted or unsubstituted  $C_{6-40}$  aryl radical;

$R^4$  = hydrogen, halogen or an organic radical having  $C_{1-40}$ ;

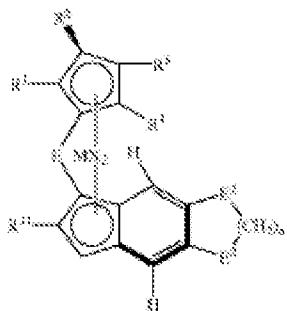
$R^5$  = an organic radical which has  $C_{3-20}$  and is branched in the  $\alpha$  position;

$R^7, R^8$  (independently) = hydrogen or an organic radical having  $C_{1-40}$

or  $R^7$  and  $R^8$  together with the atoms connecting them form a monocyclic or polycyclic, substituted or unsubstituted ring system which has from 1 to 40 carbon atoms and optionally contains heteroatoms selected from the group consisting of the elements Si, Ge, N, P, O, S, Se, and Te; and

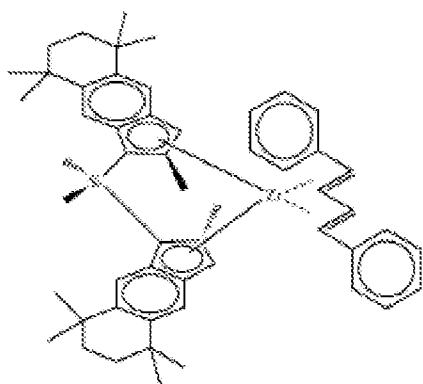
$A$  = a bridge consisting of a divalent atom or a divalent group

Rieger discloses a ligand for the metal complex used as an olefin polymerization catalyst, the metal complex being represented as follows,



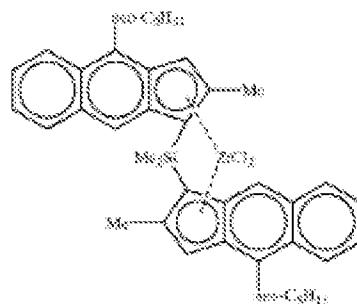
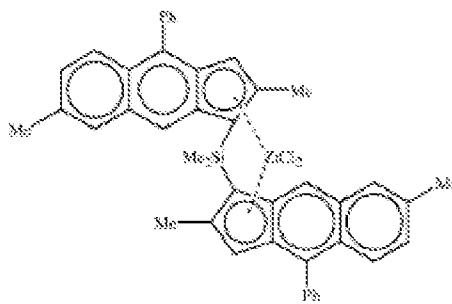
wherein R<sup>1</sup> is linear or branched C<sub>1-10</sub> alkyl, C<sub>5-7</sub> cycloalkyl which can carry one or several C<sub>1-6</sub> alkyl residues as substituent, C<sub>6-18</sub> aryl or arylalkyl or alkylaryl, in which case R<sup>1</sup> /R<sup>2</sup> can be partially or simultaneously integrated into C<sub>5-7</sub> cycloalkyl or aryl rings fused thereto; E<sup>2</sup> =CH<sub>2</sub>, O, or S (claims 1, 3, 14, and 18). Thus, Rieger does not teach or fairly suggest the claimed ligand for the metal complex used as an olefin polymerization catalyst, wherein the ligand comprises, in particular, R<sup>3</sup> = a substituted or unsubstituted C<sub>6-40</sub> aryl radical and R<sup>5</sup> = an organic radical which has C<sub>3-20</sub> and is branched in the  $\alpha$  position.

Chen et al. disclose a ligand for the metal complex used as an olefin polymerization catalyst, the metal complex being represented as follows,



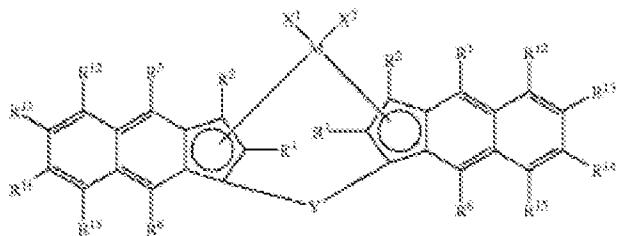
(Example 14). Thus, Chen et al. do not teach or fairly suggest the claimed ligand for the metal complex used as an olefin polymerization catalyst, wherein the ligand comprises, in particular,  $R^3$  = a substituted or unsubstituted  $C_{6-40}$  aryl radical and  $R^5$  = an organic radical which has  $C_{3-20}$  and is branched in the  $\alpha$  position.

Hashimoto et al. disclose \*a ligand for the metal complex used as an olefin polymerization catalyst, the metal complex being represented as follows,



(col. 22, lines 1-35). Thus, Hashimoto et al. do not teach or fairly suggest the claimed ligand for the metal complex used as an olefin polymerization catalyst, wherein the ligand comprises, in particular,  $R^3$  = a substituted or unsubstituted  $C_{6-40}$  aryl radical and  $R^5$  = an organic radical which has  $C_{3-20}$  and is branched in the  $\alpha$  position.

Okada et al. disclose a ligand for the metal complex used as an olefin polymerization catalyst, the metal complex being represented as follows,



Wherein R<sup>3</sup> and R<sup>6</sup> are each independently hydrogen, a halogen atom, a C<sub>1-20</sub> hydrocarbon group or a halogenated C<sub>1-20</sub> hydrocarbon group (col. 9, lines 58-60; col. 13 (first Table). Thus, Okada et al. do not teach or fairly suggest the claimed ligand for the metal complex used as an olefin polymerization catalyst, wherein the ligand comprises, in particular, R<sup>3</sup> = a substituted or unsubstituted C<sub>6-40</sub> aryl radical and R<sup>5</sup> = an organic radical which has C<sub>3-20</sub> and is branched in the  $\alpha$  position..

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 1796

supervisor, David Wu, can be reached on 571-272-1114.

/Ling-Siu Choi/

Primary Examiner, Art Unit 1796

September 15, 2008